



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Vocational Nurse License Number 83431 §
issued to KIM ANN HENIGAN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KIM ANN HENIGAN, Vocational Nurse License Number 83431, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on June 5, 2016.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Panola Junior College, Panola, Texas, on May 31, 1979. Respondent was licensed to practice vocational nursing in the State of Texas on October 16, 1979.
5. Respondent's vocational nursing employment history includes:

10/79 - 07/96 Unknown

Respondent's vocational nursing employment history continued:

07/96 - 1998	Certified Nurse Aide Instructor	Panola College Carthage, Texas
11/94 - 09/02	Office Nurse	Dr. John Nielsen Carthage, Texas
09/02 - 01/05	Industrial Nurse	Tyson Foods Carthage, Texas
09/02 - 01/05	Office Nurse	Dr. Scott Brazil Longview, Texas
01/05 - 05/07	Unknown	
05/07 - 02/08	Marketing Representative	Able Care Home Health Longview, Texas
03/08 - 03/11	Marketing Representative Hospice Nurse	Hearts Way Hospice Carthage, Texas
03/11 - 05/15	Office Nurse	Dr. John Nielsen Carthage, Texas
05/13 - 07/15	Charge Nurse	The Willows of Kilgore Kilgore, Texas
07/15 - 10/15	Charge Nurse	Carthage Health Care - Senior Living Properties, LLC Carthage, Texas
11/15 - 12/15	Private Duty Nurse	Jordan Health Services Pediatrics Mount Pleasant, Texas
12/15 - Present	Unknown	

6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Jordan Health Services Pediatrics, Mount Pleasant, Texas, and had been in that position for fourteen (14) days.

7. On or about November 17, 2015, while employed as a Licensed Vocational Nurse with Jordan Health Services Pediatrics, Mount Pleasant, Texas, and assigned to Patient IB, Respondent was reported to be witnessed hitting Patient IB on the hand. Patient IB's caregiver reported that he observed Respondent grab his son's arms, push them down on his chair, and pop his hand about two (2) to three (3) times with an open hand, again saying "stop". Subsequently, Respondent admitted to staff that she "tapped" the patient's hand and told the patient "No, stop" because the patient was digging their nails into her hand but that IB's caregiver was not in the room. Respondent's conduct may have caused emotional, distress to the patient's family.
8. In response to Finding of Fact Number Seven (7), Respondent states that she never intended to cause distress to anyone. She states that she was truthful as to her actions immediately when questioned by the adult male in the home. Respondent further states Patient IB's grandmother, who also is one of his paid nurses, is the person who trained her on working with IB and she is the one who demonstrated the same intervention used by Respondent, explaining it as a safety intervention for the patient, to prevent further potential injury.
9. On or about July 9, 2016, Respondent successfully completed a Board approved course in sharpening critical thinking skills, which would have been a requirement of this Order.
10. On or about July 29, 2016, Respondent successfully completed a Board approved course in Texas nursing jurisprudence and ethics, which would have been a requirement of this Order.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555 , the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(C)&(6)(F).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 83431, heretofore issued to KIM ANN HENIGAN.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Order.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. **The course "Detecting and Preventing Abuse and Neglect ...,"** a 5.0 contact hour workshop presented in various locations by the Texas Department of Aging and Disability Services.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse have elapsed. Any quarterly period without continuous employment with the same employer for all three (3) months will not count towards completion of this requirement. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.

- C. Indirect Supervision:** RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, **who is on the premises.** The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- D. Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

V. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 7th day of February, 2017.

Kim Henigan
KIM ANN HENIGAN, Respondent

Sworn to and subscribed before me this 7th day of February, 2017.

SEAL



Iva Nell Soape

Notary Public in and for the State of Texas

Approved as to form ^{and} ~~and substance~~.

Nancy Roper Willson
Nancy Roper Willson, Attorney for Respondent

Signed this 8th day of February, 2017

WHEREFORE, PREMISES CONSIDERED; the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 7th day of February, 2017, by KIM ANN HENIGAN, Vocational Nurse License Number 83431, and said Order is final.

Effective this 21st day of March, 2017.



Katherine A. Thomas, MN, RN, FAAN
Executive Director on behalf
of said Board